

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IRG KETTERING I LLC,

Plaintiff

Case No. 3:24-cv-217

vs.

TENNECO AUTOMOTIVE
OPERATING COMPANY INC.,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendant.

ORDER: (1) GRANTING PLAINTIFF’S UNOPPOSED MOTION TO REMAND THIS CASE TO STATE COURT (Doc. No. 15); (2) REMANDING THE CASE TO THE CIVIL DIVISION OF THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, OHIO; AND (3) TERMINATING THE CASE ON THE COURT’S DOCKET

Plaintiff initiated this case in the Civil Division of the Court of Common Pleas, Montgomery County, Ohio. Doc. No. 1 at PageID 2. Defendant removed the case to this Court, asserting diversity jurisdiction under 18 U.S.C. § 1332(a). *Id.*; *see* 28 U.S.C. § 1441(a).

Plaintiff, an LLC, filed its supplemental disclosure statement under Federal Rule of Civil Procedure 7.1(a)(2) in this court and reported that one of its sub-members is an LLC that is a trust administered by a Delaware corporation. Doc. No. 13. Defendant is a Delaware corporation with a principal place of business in Michigan. Doc. No. 10.

The case is presently before the Court upon Plaintiff’s motion to remand this case to state court. Doc. No. 15. In its motion, Plaintiff acknowledges, “this Court therefore does not have subject matter jurisdiction over this litigation . . . this Court should remand this case to the Montgomery County Court of Common Pleas.” Doc. No. 15 at PageID 399. Defendant in response to Plaintiff’s motion to remand stated it “does not oppose Plaintiff’s motion to remand”

because “[b]ased on the recent disclosures made by Plaintiff about its members and sub-members, which information was not known and could not have been known to Tenneco at the time that it removed this lawsuit to this Court, it appears that this Court does not have diversity jurisdiction” Doc. No. 18.

The Court therefore (1) **GRANTS** as unopposed Plaintiff’s motion to remand this case to state court due to lack of subject matter jurisdiction; (2) **REMANDS** this case to the Civil Division of the Court of Common Pleas, Montgomery County, Ohio; and (3) **TERMINATES** the case on the docket.

IT IS SO ORDERED.

September 25, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge